

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE - W/S of Warren Manor Court, 375' N of Warren Road (25 Warren Manor Court) 8th Election District 3rd Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 90-465-A

Edwin C. Hermann, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 15 feet in lieu of the required 25 feet and to amend the development plan to permit the widening of an existing garage and the addition of a two car garage, to permit a window to end of tract boundary setback of 20 feet in lieu of the minimum required 26.25 feet (75% of total distance to property line of 35 feet) to allow for the building of a deck 15 feet out from the rear of the existing dwelling, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of June, 1990 that the Petition for Residential Variance to permit a front yard setback of 15 feet in lieu of the required 25 feet and to amend the development plan to permit the widening of an existing garage and the addition of a two car garage, to permit a window to end of tract boundary setback of 20 feet in lieu of the minimum required 26.25 feet (75% of total distance to property line of 35 feet) to allow for the building of a deck 15 feet out from the rear of the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are condition precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the existing accessory structure (garage) and proposed addition thereto to be converted to a second dwelling unit and/or apartments. The subject garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) The deck shall not be enclosed or covered.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

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PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1801.2.C.3 to permit a reduction of the front yard setback of 25 feet to 15 feet & to amend the development plan to allow for the widening of the existing garage & the addition of a 2nd car garage.

304 (C.M.D.P.), V.B.5.a, to reduce the window to end of tract boundary restriction to 20 feet to 26.25 feet (75% of total distance to property line of 35 feet) to 20 feet to allow for the building of a deck 15 feet out from the rear of the house.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty):

SEE ATTACHED

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalty of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser(s)

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner(s)

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

Edwin C. Hermann, Jr.

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner(s)

(Type or Print Name)

Signature

Address

Attorney's telephone number

Address

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of June, 1990, that the subject matter of this petition be posted on the property on or before the 24th day of June, 1990.

By: J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
Date: 6/21/90
By: [Signature]

IF PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, THIS IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 101, County Office Building in Towson, Baltimore County, on the ____ day of ____, 19__, at ____ o'clock.

ZONING COMMISSIONER OF BALTIMORE COUNTY

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

90-465-A

February 20, 1990

ZONING VARIANCE

BEGINNING for the same at a point located on the westernmost side of Warren Manor Court, varying width, said point also being a distance of 375 feet plus or minus from the intersection of Warren Manor Court and Warren Road, thence leaving Warren Manor Court North 84 Degrees 58 Minutes 40 Seconds West 75.80 feet; thence North 05 Degrees 01 Minutes 20 Seconds East 417.39 feet; thence South 84 Degrees 58 Minutes 40 Seconds East 68.00 feet; thence South 05 Degrees 01 Minutes 20 Seconds West 75.48 feet to a point on Warren Manor Court; thence binding on the westernmost side of Warren Manor Court the following courses and distances: 1) by a curve to the left having a radius of 50.00 feet and an arc length of 59.73 feet; 2) South 13 Degrees 01 Minutes 20 Seconds West 132.50 feet; 3) by a curve to the left having a radius of 225.00 feet and an arc length of 225.25 feet to the point of beginning.

Containing 0.4972 acres of land more or less.

Being Lot No. 1 as shown on a plat entitled 1st Amended Plat of Warren Manor as recorded among the land records of Baltimore County in Liber S.M. 58 folio 002, said lot being in the 8th Election District, also being known as 25 Warren Manor Court.



538 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

#354

INDICATIONS OF PRACTICAL DIFFICULTY

PROPOSED GARAGE ADDITION:

- The garage on our newly constructed home was built narrower than normal because the builder was required by Baltimore County Zoning Regulations to maintain a 25 foot distance from the outside wall of the garage to the street right-of-way. As a result, our garage has an inside measurement of 9 feet 5 inches. Other garages in the neighborhood measure between 10 inches. Other garages in the neighborhood measure between 10 feet 4 inches to 10 feet 7 inches in width (inside measurement).
- Because of the narrow width of our present garage, it is difficult to get into or out of our compact 4-door car (a 1987 Plymouth Horizon). The car doors cannot be opened without hitting the garage wall.
- The primary driver of the car is an 84 year old female with a limp (as a result of a broken hip in 1984). Having such a narrow space between the car and the garage wall, it is extremely difficult for her to get into or out of the car. The car has permanent handicapped license plates for her benefit.
- There is no room in the garage for storage of a lawn mower, hose reel or garden tools that are normally stored in a garage.
- The house was already under construction when we discovered the narrow width of the garage. We were not informed by the builder of the restriction which resulted in the narrow width of the garage when we signed the purchase contract. The builder advised us that he could not make the garage the same size as the other garages in the neighborhood without obtaining a zoning variance that would have delayed the completion of our house.
- There are no houses adjacent to our existing garage where the expansion is planned. Our lot currently extends for 344 feet to the south of the existing garage (in a narrow strip as shown on the plat). The proposed expansion will use 12 feet of this space. It will not obstruct the view of any other houses. The proposed expansion will not have any windows and will be constructed to look like the other 2-car garages in the neighborhood.

PROPOSED ADDITION OF A RAISED WOOD DECK (15 feet extension from house by 24 feet long):

- Our house was built with a sliding glass door in the rear off of the breakfast room (over 9 feet above ground level) to be used as an entry door to a raised deck. It is our desire to build a deck similar to other decks that have been added to our neighbors' houses. A wood deck which was built in 1989 on Lot #3 - 29 Warren Manor Court (two houses north of ours) has the same distance remaining from the property line to the deck (20 feet) as our proposed deck and extends the same distance from

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Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 2072

Date: 4/09/90

Item #354

4/09/90 H9000657

PUBLIC HEARING FEES	QTY	PRICE
80 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$25.00

LAST NAME OF OWNER: HERMAN

B 8145*****2500:0-6105F
Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 2068

Date: 4/09/90

4/09/90 H9000654

PUBLIC HEARING FEES	QTY	PRICE
610 - ZONING VARIANCE (1RL)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: HERMAN

B 8119*****3500:0-6105F
Please make checks payable to: Baltimore County

Cashier Validation:

the house (15 feet). Our house and 29 Warren Manor Court are both oriented on their lots in a similar fashion. Both houses have a total of 35 feet of setback from the house to the property line which is the left edge of the subdivision.

- The current zoning restrictions limit our proposed deck to a depth (distance out from the house) of 8.75 feet based on the setback from the rear property line of 35 feet or 25% of the setback distance. Our lot is at the left edge of the subdivision tract as is Lot #3. If these restrictions are adhered to strictly, this would have prevented us from purchasing the builder's standard 10' x 12' deck which was offered as an option with each house in the subdivision without obtaining a variance. In order to make our deck useful for outdoor entertaining, we are requesting a deck with a 15 foot depth. This depth will allow the deck to hold patio furniture, a barbecue grill, and still have room for our guests to walk around the deck comfortably without interfering with the patio furniture. The extra depth will also allow us to keep the grill a safe distance from the house. With the deck built as proposed, there will still be 20 feet remaining between the end of the deck and the property line.
- The only feasible location for our deck is in the rear of our house. There is not enough land on the south side of our house (next to the garage) to place a deck of reasonable size without coming extremely close to the right-of-way line of Warren Manor Court. In addition, the land behind the house is a large horse pasture. There are no houses behind ours and the deck will be almost totally private. The deck will not be visible to any of our neighbors except our next door neighbor directly to our north (that house is currently unoccupied and is being used as the builders model).

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 8th Date of Posting: 5/4/90

Posted for: [Signature]

Petitioner: Edwin C. Hermann, Jr.

Location of property: 25 Warren Manor Ct., 272' N of Warren Rd., Cockeysville, Maryland

Location of Sign: [Signature]

Remarks: [Signature]

Posted by: [Signature] Date of return: 5/4/90

Number of Signs: 1

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Mr. Edwin C. Hermann, Jr.
25 Warren Manor Court
Cockeysville, Maryland 21030

Re:
Case Number: 90-465-A
Location: 25 Warren Manor Court
Petitioner(s): Edwin C. Hermann, Jr., et ux

Dear Petitioner(s):

No hearing having been requested by your neighbors or by the Zoning Commissioner, the above matter has completed the Administrative process.

Please bring the sign and post to 111 W. Chesapeake Avenue, Towson, Maryland, Room 113 at your earliest convenience. When you return the sign and post, you will be given a copy of the written Order relative to this case.

Thank you for your cooperation.

Very truly yours,

[Signature]
J. Stephens
(301) 887-3391

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 16, 1990

Mr. & Mrs. Edwin C. Hermann, Jr.
25 Warren Manor Court
Cockeysville, MD 21030

RE: Item No. 354, Case No. 90-465-A
Petitioner: Edwin C. Hermann, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Hermann:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this
8th day of May, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Edwin C. Hermann, Jr.

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 10, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Edwin C. Hermann, Jr., et ux, Item No. 354

The Petitioners request a residential variance to front yard setback requirements in order to construct a garage and rear yard setback requirements in order to construct a deck.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: EDWIN C. HERMANN, JR., ET UX

Location: W/S WARREN MANOR CT.
#25 WARREN MANOR CT.

Item No.: 354 Zoning Agenda: MAY 8, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reincke* Noted and Approved *Capt. Wm. F. Buehler*
Planning Group Fire Prevention Bureau
Special Inspection Division

Edwin C. Hermann, Jr.
25 Warren Manor Court
Cockeysville, Md. 21030-2759
(301) 252-7845

May 21, 1990

Zoning Plans Advisory Committee
Office of Planning & Zoning
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention: Ms. Julie Winiarski

Re: Item #354, Case #90-465-A
Petitioner: Edwin C. Hermann, Jr. et ux
25 Warren Manor Court, Cockeysville, Md. 21030

Dear Ms. Winiarski:

We have consulted our immediate neighbors regarding our plans to obtain a residential zoning variance in the above referenced case number. They have agreed to sign the attached letters stating that they have no objections to our plans to add a 2nd car garage and a raised wood deck to our home.

Please add the attached letters to the case file for review by the Zoning Commissioner.

Sincerely,

Edwin C. Hermann, Jr.
Edwin C. Hermann, Jr.
Susan B. Hermann
Susan B. Hermann

RECEIVED
MAY 22 1990
ZONING OFFICE

RECEIVED
MAY 22 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 21, 1990

Mr. & Mrs. Edwin C. Hermann, Jr.
25 Warren Manor Court
Cockeysville, Maryland 21030

RE: PETITION FOR RESIDENTIAL VARIANCE
W/S of Warren Manor Court, 375' N of its intersection with Warren Road
(25 Warren Manor Court)
8th Election District - 3rd Councilmanic District
Edwin C. Hermann, Jr., et ux - Petitioners
Case No. 90-465-A

Dear Mr. & Mrs. Hermann:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

RE: CASE #90-465-A

TO WHOM IT MAY CONCERN:

I/We are the owners of 26 Warren Manor Court which is located near the home of the petitioners, Edwin C. Hermann Jr. and Susan B. Hermann. The plans for additions to their home consisting of a raised wooden deck and a 2nd car garage have been explained to me/us.

I/We have no objection to the completion of the proposed additions.

Sincerely,

Edwin C. Hermann, Jr.
Owner

Susan B. Hermann
Owner

Date: 5/14/90

RE: CASE #90-465-A

TO WHOM IT MAY CONCERN:

I/We are the owners of 28 Warren Manor Court which is located near the home of the petitioners, Edwin C. Hermann Jr. and Susan B. Hermann. The plans for additions to their home consisting of a raised wooden deck and a 2nd car garage have been explained to me/us.

I/We have no objection to the completion of the proposed additions.

Sincerely,

Edwin C. Hermann, Jr.
Owner

Susan B. Hermann
Owner

Date: 5/20/90

RE: CASE #90-465-A

TO WHOM IT MAY CONCERN:

We are the owners of 25 Warren Manor Court which is located near the home of the petitioners, Edwin C. Hermann Jr. and Susan B. Hermann. The plans for additions to their home consisting of a raised wooden deck and a 2nd car garage have been explained to us.

We have no objection to the completion of the proposed additions.

Sincerely,

Edwin C. Hermann Jr.
Owner *Peter S. Savic*

Susan B. Hermann
Owner *Carol P. Saucier*

Date: 5/19/90

DESCRIPTION OF PHOTOGRAPHS
CASE #90-465-A
EDWIN C. HERMANN JR. ET UX
25 WARREN MANOR COURT
COCKEYSVILLE, MD. 21030

- PHOTO #1: Looking northwest, this is a photo of 25 Warren Manor Court improvements showing the house, existing garage, entrance to access drive off of court, and the area south of the existing garage where the proposed 2nd car garage will be located.
- PHOTO #2: Looking north, this is a view of 25 Warren Manor Court from the southern-most lot boundary. This strip of land south of the proposed 2nd car garage will remain open space.
- PHOTO #3: Looking south, this is the opposite view from photo #2 taken from the driveway of 25 Warren Manor Court. This is open space down to Warren Road.
- PHOTO #4: This is a photo of the existing one car garage. Notice how narrow it is. This garage is only 9 feet 5 inches wide on the inside. It is difficult to get in and out of a small car.
- PHOTO #5: Looking west from the driveway of 25 Warren Manor Court, this is a view of the area that the proposed 2nd car garage will occupy. Stakes and string denote its proposed boundaries. It is proposed to be 12 feet wide that would move the outside wall to a point about 1 foot south of the existing driveway.
- PHOTO #6: Looking north from a point about 35 feet south of the existing garage south wall, this is a view of the area where the proposed 2nd car garage would be located. The new south boundary is just past the existing driveway.
- PHOTO #7: Looking northwest from the court surface, this shows the front part of the lot where the proposed 2nd car garage would be located. There will be 15.1 feet of diagonal distance between the new garage wall and the right-of-way. There would be approximately 25 feet distance between the new garage wall and the court curb.
- PHOTO #8: This is a photo of another house in the same development with a builder-constructed 2 car garage. We are proposing to build a 2nd car garage that will look like this when completed.
- PHOTO #9: Looking south, this is a view of the area to be occupied by the proposed raised wood deck (15' X 24'). There will still be 20' distance between the end of the deck and the property line (located just to the west of the field drain at the top of the swale).

